

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE ENROLLED ACT No. 1208

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-6-2-103, AS AMENDED BY SEA 57-2002, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 103. (a) "Person", for purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

(b) "Person", for purposes of IC 34-24-4, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

(c) "Person", for purposes of IC 34-26-2, includes individuals at least eighteen (18) years of age and emancipated minors.

(d) "Person", for purposes of IC 34-26-4, has the meaning set forth in IC 35-41-1-22.

(e) "Person", for purposes of IC 34-30-5, means any of the following:

- (1) An individual.
- (2) A corporation.

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- (3) A partnership.
 - (4) An unincorporated association.
 - (5) The state (as defined in IC 34-6-2-140).
 - (6) A political subdivision (as defined in IC 34-6-2-110).
 - (7) Any other entity recognized by law.
- (f) "Person", for purposes of IC 34-30-6, means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity that:
- (1) has qualifications or experience in:
 - (A) storing, transporting, or handling a hazardous substance or compressed gas;
 - (B) fighting fires;
 - (C) emergency rescue; or
 - (D) first aid care; or
 - (2) is otherwise qualified to provide assistance appropriate to remedy or contribute to the remedy of the emergency.
- (g) "Person", for purposes of IC 34-30-18, includes:
- (1) an individual;
 - (2) an incorporated or unincorporated organization or association;
 - (3) the state of Indiana;
 - (4) a political subdivision (as defined in IC 36-1-2-13);
 - (5) an agency of the state or a political subdivision; or
 - (6) a group of such persons acting in concert.
- (h) "Person", for purposes of sections 42, 43, 69, and 95 of this chapter, means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.
- (i) "Person" for purposes of IC 34-30-10.5, means the following:
- (1) A political subdivision (as defined in IC 36-1-2-13).
 - (2) A volunteer fire department (as defined in IC 36-8-12-2).
 - (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.
 - (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.
 - (5) After March 31, 2002, a corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.**

SECTION 2. IC 36-8-12-11, AS AMENDED BY P.L.6-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) ~~Subject to the conditions set forth in subsection (b),~~ Members of volunteer fire departments may display blue lights on their privately owned vehicles while en route ~~(+)~~ to



scenes of ~~fires or other~~ emergencies **or to the fire station** in the line of duty ~~and~~

(2) ~~to a fire station to get firefighting equipment to transport to the scene of a fire or other emergency in the line of duty.~~

(b) The lights displayed on a member's privately owned vehicle must satisfy **subject to** the following conditions:

(1) A light must have a light source of at least ~~fifty (50)~~ **thirty-five (35) watts.**

(2) All lights must be placed on the:

(A) top of the vehicle;

(B) ~~In addition, lights may be placed dashboard inside a vehicle, shielded to prevent distracting the driver; or~~

(C) ~~on the~~ front of the vehicle upon the bumper or at bumper level.

(3) No more than four (4) blue ~~lights~~ **light assemblies** may be displayed on one (1) vehicle, and each blue light **assembly** must be of the flashing or revolving type. ~~and visible for three hundred sixty (360) degrees; except for lights that are placed on the front of the vehicle.~~

(4) A blue light ~~must consist of a lamp with a blue lens; not of an uncolored lens with a blue bulb.~~ However, a revolving light **assembly** may contain multiple bulbs.

(5) A blue light may not be a part of the regular head lamps displayed on the vehicles. **Alternately flashing head lamps may be used as a supplemental warning device. Strobe lights or flashers may be installed into the light fixtures on the vehicle other than the alternating head lamps. The strobe lights or flashers may be either white or blue, with the exception of red to the rear.**

~~(e)~~ (b) In order for a volunteer firefighter to display a blue light on his a vehicle, ~~he the~~ **volunteer firefighter** must secure a written permit from the chief of the volunteer fire department to use the blue light and must carry the permit at all times when the blue light is displayed.

~~(d)~~ (c) A person who is not a member of a volunteer fire department may not display ~~a~~ **an illuminated** blue light ~~of any size or shape~~ on a ~~motor~~ vehicle.

~~(e)~~ (d) A permittee of the owner of a vehicle lawfully equipped with a blue light may operate the vehicle only if the blue light is not illuminated.

~~(f)~~ (e) A person who violates subsection (a), (b), (c), ~~or~~ (d) ~~or~~ (e) commits a Class C infraction. If the violator is a member of a volunteer fire department, the chief of the department shall ~~dismiss him from~~



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membership in the discipline the violator under fire department rules and regulations.

~~(g)~~ **(f)** This section does not grant a vehicle displaying blue lights the right-of-way under IC 9-21-8-35 or exemption from traffic rules under IC 9-21-1-8. A driver of a vehicle displaying a blue light shall obey all traffic rules.

(g) This section shall not be construed to include a vehicle displaying a blue light and driven by a member of a volunteer fire department as an authorized emergency vehicle (as defined in IC 9-13-2-6).

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 34-6-2-103, the term "person" for purposes of IC 34-30-10.5, means the following:**

- (1) A political subdivision (as defined in IC 36-1-2-13).**
- (2) A volunteer fire department (as defined in IC 36-8-12-2).**
- (3) An employee of an entity described in subdivision (1) or (2) who acts within the scope of the employee's responsibilities.**
- (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is acting for a volunteer fire department.**
- (5) After March 31, 2002, a corporation, a limited liability company, a partnership, an unincorporated association, or any other entity recognized by law.**

(b) This SECTION expires July 1, 2002.

SECTION 4. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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